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SOURCE Taiwan Sheng-Cheng-Fu Kung-Pao, (Taiwan Provincial Government Gazette), No 7, 1949.

THE OPIUM SUPPRESSION LAW

Promulgated by the Executive Yuan
 23 February 1949

ARTICLE I

This law is enacted to formulate the policy for the suppression of opium throughout the whole country and in order to carry out the International Opium Suppression Agreement.

ARTICLE II

The prime responsibility for suppressing opium rests with all levels of local government agencies, and it should be made one of their chief functions. A cooperative responsibility rests upon all local military, communication, financial, educational, health, social, and relief agencies and organizations. Lists of these auxiliary agencies and organizations, together with their functions, will be prepared by the various local government offices in the light of local conditions after consultation with the parties concerned, and these will be transmitted through the Ministry of Interior to the Executive Yuan for record.

ARTICLE III

All smacking, planting, transporting, selling, processing, and hoarding of opium shall simultaneously be stopped and prohibited. Each provincial and municipal government shall prepare for the various sections of its jurisdiction a plan for the suppression of opium, adapted to the local conditions, and a schedule for the progressive enforcement of the prohibition, with a time limit for its completion. These shall be transmitted through the Ministry of Interior to the Executive Yuan for approval and implementation.

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ARTICLE IV

All levels of agencies having primary or auxiliary responsibility (for enforcing the prohibition) shall periodically prepare and submit reports concerning accomplishments, the former to the Minister of Interior for their guidance, correction, and approval; and the latter to the Ministry of Interior or to the provincial or municipal government for consideration, together with the superior authorities of the auxiliary agencies, for examination and approval, commendation, or reprimand.

ARTICLE V

Funds for expenses incurred in the opium suppression work are to be provided for in the annual budget for expenditures and reported to the Ministry of Interior for recording and checking.

ARTICLE VI

Local government agencies should employ all suitable methods for the enforcement of prohibition, including widespread propaganda as to the Central Government's policy and orders in the matter. On "Opium Suppression Day," 3 June, special propaganda efforts should be made.

ARTICLE VII

To effect opium suppression, all government agencies should instigate special restraints by stimulating popular cooperation in resisting the evil and encouraging the organization by public bodies and philanthropic individuals of antiopium societies to carry on an education campaign and conduct opium refuges for relief and cure. These activities should be frequently inspected and reported to the Ministry of Interior for suitable recognition.

ARTICLE VIII

During the period between planting and harvesting the opium poppy, government officers responsible for opium suppression should personally visit and officially inspect and report on the places where opium has previously been cultivated. To assist in making the inspections, they should form teams of representatives of self-governing bodies, social institutions, and the military and civil officials of the local and neighboring areas.

Reports on the various areas should be completed and dispatched to the Ministry of Interior within one month of the inspection.

If a change in important personnel takes place, the inspection records on hand should be entered on the work progress chart so that the successor may continue the discharge of the responsibility.

ARTICLE IX

In order to deal with special local conditions, the government officials of a region should formulate a unified plan for the inspection of opium suppression (in that region), which the Ministries of Interior and National Defense shall submit to the Executive Yuan for approval, and under which an Opium Inspection Office may be established with the participation of all the agencies concerned in the matter.

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ARTICLE V

When evidence is gained in a case of violation of the opium suppression law, the local government and the judicial officials should work in close cooperation, track down the source of the opium, and effect its eradication. In case it is necessary to employ military force to uproot the opium poppy or deal with any other special difficulty, the local officials should immediately arrange for the assistance of local garrison troops and telegraph the Ministry of Interior to inform the National Defense Ministry for their records.

ARTICLE XI

Those found guilty of criminal violation of the opium suppression law shall be severely punished according to law. Officials seizing stocks of opium shall be liberally rewarded. Seized stocks of opium shall be openly analyzed by properly qualified persons; that fit for conversion to medicinal use shall be sent to the Ministry of Health; that not fit for medicinal use shall be publicly burned by the judicial authorities.

Any such seized stocks of opium may be burned locally, in their entirety, after securing the approval of the Ministry of Interior, in remote places where dispatch of the opium to the Ministry of Health presents too great difficulties, or where public burning on the spot would have special publicity value.

ARTICLE XII

The various local government agencies shall establish a sufficient number of opium sanitoriums to meet the needs of an area. These must be well-furnished and supplied with necessary drugs, unless adequate special arrangements are made with the Health Department or public or private hospitals for securing their assistance in helping addicts to break off the use of opium and in effecting cures.

With respect to the preceding item, without the express appointment or request by the local government authorities, no Health Agency or public or private hospital shall engage in the treatment and cure of opium addicts.

ARTICLE XIII

An opium addict who, previous to detection, voluntarily applies for help in breaking off the use of opium, shall be exempt from punishment. The agency undertaking the case shall immediately report the same to the local judicial authorities for investigation and approval.

ARTICLE XIV

Local authorities should frequently inspect areas bordering on international boundaries. If in these places, instances of raising, processing, transporting or selling opium are discovered, the matter shall be immediately reported to the Ministry of Interior, who shall communicate with the Ministry of Foreign Affairs. The latter then shall interview representatives of the neighboring country to discuss ways and means of suppressing illegal traffic. The officials of two contiguous provinces or hsien, or of two points having air transport connections, shall have joint responsibility for, and should cooperate in, the suppression of the illegal traffic.

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ARTICLE XV

Apart from their legitimate use under the sole or joint control of the Ministry of Interior, where extra care shall be exercised, narcotics shall not be sold as "antiopium remedies," and frequent inspections shall be made by the local officials to prevent strictly their being sold under any other guise or name whatsoever. In cases of violation, the narcotic substances shall be confiscated and destroyed, and the violators punished according to law. The flower, seed pods, stalks and leaves of the poppy have narcotic properties and must be prohibited and, where found, destroyed by burning.

ARTICLE XVI

The Ministry of Interior shall frequently despatch deputies to inspect the various areas, guide the local officials in executing the suppression orders, and when deemed advisable, with the approval of the Executive Yuan, appoint special deputies and special supervising commissioners.

ARTICLE XVII

In order to promote the effective execution of the opium suppression orders, the Ministry of Interior shall recommend to the Executive Yuan the appointment of men in the various areas, eminent in character and ability and devoted to the public welfare, as members of the Opium Suppression Commission. This Commission shall extend invitations to respected elders and foreign leaders in various places to assist in the work of planning and guidance.

ARTICLE XVIII

In order to effect the suppression of opium among overseas Chinese the Ministry of Interior shall, in consultation with the parties concerned formulate suitable plans, and select and deputize special deputies to proceed abroad to further the work of suppression.

ARTICLE XIX

In the matter of enforcing opium suppression where unusual circumstances exist, other special regulations may be adopted in addition to those of this ordinance.

ARTICLE XX

In accordance with the provisions of the International Opium Suppression Agreement, the Ministry of Interior shall prepare annual statistical reports and other informational material; and at its discretion give publicity to material it has gathered concerning opium suppression in other countries. In order to promote international cooperation in opium suppression efforts, the Shanghai office of the Opium Suppression Commission shall be responsible for collecting and exchanging intelligence concerning cases of smuggling. Further rules governing these activities shall be separately determined.

ARTICLE XXI

The Ministries of Interior and Foreign Affairs shall jointly select and deputize representatives to participate in meetings of the Conference on International Opium Suppression.

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ARTICLE XVI

Additional detailed regulations shall be issued concerning the execution of matters dealt with in articles IV, VII, XI, XII, XIII, XV, XVI, XVII, XVIII, of this ordinance.

ARTICLE XXIII

This ordinance shall become effective on and from the date of publication.

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